
SENATE BILL NO. 92—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON HEALTH CARE)

PREFILED JANUARY 24, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions concerning certain group housing. (BDR 40-526)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to residential facilities; requiring a person who provides referrals to certain group housing arrangements to obtain a license; requiring a review to be conducted of certain unlicensed group housing arrangements; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a person, other than certain medical facilities, to obtain a
2 license to operate a business that provides referrals to residential facilities for
3 groups. (NRS 449.0305) **Section 1** of this bill additionally requires a person to
4 obtain such a license if the person operates a business that provides referrals to any
5 other group housing arrangement that provides assistance, food, shelter or limited
6 supervision to persons with mental illness or disabilities or who are aged or infirm.
7 **Section 2** of this bill requires the Division of Public and Behavioral Health of the
8 Department of Health and Human Services to conduct a review of unlicensed group
9 housing arrangements that provide assistance, food, shelter or limited supervision
10 to such persons to determine whether regulation of those unlicensed group housing
11 arrangements is advisable to protect the health and safety of such persons.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 449.0305 is hereby amended to read as
2 follows:

3 449.0305 1. Except as otherwise provided in subsection 5, a
4 person must obtain a license from the Board to operate a business
5 that provides referrals to residential facilities for groups ~~[]~~ *or any*
6 *other group housing arrangement that provides assistance, food,*
7 *shelter or limited supervision to a person with a mental illness,*
8 *intellectual disability, developmental disability or physical*
9 *disability or who is aged or infirm.*

10 2. The Board shall adopt:

11 (a) Standards for the licensing of businesses ~~[that provide~~
12 ~~referrals to residential facilities for groups;]~~ *described in*
13 *subsection 1;*

14 (b) Standards relating to the fees charged by such businesses;

15 (c) Regulations governing the licensing of such businesses; and

16 (d) Regulations establishing requirements for training the
17 employees of such businesses.

18 3. A licensed nurse, social worker, physician or hospital, or a
19 provider of geriatric care who is licensed as a nurse or social
20 worker, may provide referrals to residential facilities for groups *or*
21 *any other group housing arrangement described in subsection 1*
22 through a business that is licensed pursuant to this section. The
23 Board may, by regulation, authorize a public guardian or any other
24 person it determines appropriate to provide referrals to residential
25 facilities for groups *or any other group housing arrangement*
26 *described in subsection 1* through a business that is licensed
27 pursuant to this section.

28 4. A business that is licensed pursuant to this section or an
29 employee of such a business shall not:

30 (a) Refer a person to a residential facility for groups that is not
31 licensed.

32 (b) Refer a person to a residential facility for groups *or any*
33 *other group housing arrangement described in subsection 1* if the
34 business or its employee knows or reasonably should know that the
35 facility ~~[]~~ *or other group housing arrangement*, or the services
36 provided by the facility ~~[]~~ *or other group housing arrangement*,
37 are not appropriate for the condition of the person being referred.

38 (c) Refer a person to a residential facility for groups *or any*
39 *other group housing arrangement described in subsection 1* that is
40 owned by the same person who owns the business.

41 ↪ A person who violates the provisions of this subsection is liable
42 for a civil penalty to be recovered by the Attorney General in the



1 name of the Board for the first offense of not more than \$10,000 and
2 for a second or subsequent offense of not less than \$10,000 nor
3 more than \$20,000. Unless otherwise required by federal law, the
4 Board shall deposit all civil penalties collected pursuant to this
5 section into a separate account in the State General Fund to be used
6 to administer and carry out the provisions of NRS 449.001 to
7 449.430, inclusive, 449.435 to 449.531, inclusive, and chapter 449A
8 of NRS and to protect the health, safety, well-being and property of
9 the patients and residents of facilities in accordance with applicable
10 state and federal standards.

11 5. This section does not apply to a medical facility that is
12 licensed pursuant to NRS 449.029 to 449.2428, inclusive, on
13 October 1, 1999.

14 **6. As used in this section:**

15 (a) *“Developmental disability” has the meaning ascribed to it*
16 *in NRS 435.007.*

17 (b) *“Intellectual disability” has the meaning ascribed to it in*
18 *NRS 435.007.*

19 (c) *“Mental illness” has the meaning ascribed to it in*
20 *NRS 433.164.*

21 **Sec. 2.** 1. The Division of Public and Behavioral Health of
22 the Department of Health and Human Services shall:

23 (a) Conduct a review of unlicensed group housing arrangements
24 that provide assistance, food, shelter or limited supervision to
25 persons with a mental illness, intellectual disability, developmental
26 disability or physical disability or who are aged or infirm to
27 determine whether regulation of those group housing arrangements
28 is advisable to protect the health and safety of such persons. The
29 review must consider, without limitation:

30 (1) The advisability of implementing specific reasonable
31 measures, including, without limitation, regulatory measures to
32 protect the health and safety of persons with a mental illness,
33 intellectual disability, developmental disability or physical disability
34 or who are aged or infirm; and

35 (2) The effects of any measures considered pursuant to
36 subparagraph (1) on the variety and cost of housing for persons with
37 a mental illness, intellectual disability, developmental disability or
38 physical disability or who are aged or infirm.

39 (b) Present the results of the review conducted pursuant to
40 paragraph (a) to the Legislative Committee on Health Care on or
41 before July 31, 2020. The presentation must include, without
42 limitation:

43 (1) A discussion of each measure considered pursuant to
44 paragraph (a), including, without limitation, the benefits and
45 drawbacks of the measure;



1 (2) Any recommendations for legislation that the Division
2 determines, as a result of the review, is advisable to protect the
3 health and safety of persons with a mental illness, intellectual
4 disability, developmental disability or physical disability or who are
5 aged or infirm; and

6 (3) Any other measures relating to residential housing
7 arrangements that the Division is taking or plans to take to protect
8 the health and safety of persons with a mental illness, intellectual
9 disability, developmental disability or physical disability or who are
10 aged or infirm.

11 2. As used in this section:

12 (a) "Developmental disability" has the meaning ascribed to it in
13 NRS 435.007.

14 (b) "Intellectual disability" has the meaning ascribed to it in
15 NRS 435.007.

16 (c) "Mental illness" has the meaning ascribed to it in
17 NRS 433.164.

18 **Sec. 3.** This act becomes effective on July 1, 2019.

